

Public Hearing/Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, November 5, 2007, at 6:00PM in the Town Hall Meeting Chambers.

The meeting was called to order by Mayor Kaleel and roll call was answered by the following:

Commissioner Bingham Commissioner Pugh
Commissioner Allison Commissioner Hogan
Mayor Kaleel

Pledge of Allegiance

PUBLIC HEARING

- A. Fiscal Year 2007/2008 Budget that was Adopted Sept. 17, 2007
 - a. Announce and Explain the Error in the Budget Summary Advertisement (Ad Valorem Figure of \$3,737,830 under General Fund is Actually \$3,960,715) that was Advertised Sept. 14, 2007 and Announce the Re-Advertisement on Nov. 2, 2007 with the correct Figure and Allow for Public Comment

Town Clerk Hancsak announced that the Town received word from the Dept. of Revenue that there was an error in the original Budget Summary Advertisement that was advertised in the Palm Beach Post on Sept. 17, 2007 thereby necessitating a re-advertisement with a new Notice of Tax Increase and the corrected Budget Summary Ad to correct the violation of the TRIM notice. She added that the original resolution adopting the millage (#2007-13) and the ordinance 573 adopting the budget needed to also be restated.

Town Clerk Hancsak announced that there was an error in the figure for the Ad Valorem tax revenue to be received under the "General Fund" column. The ad showed \$3,735,830 which represented the tax revenue that would be generated if the rolled back rate of 4.4803 was adopted. The millage was correctly reflected as 4.7500 and the tax revenue should have been \$3,960,715. This represents 97% of the gross taxable value of \$4,083,212. The TRIM requirements permit using between 95-100% of the gross taxable value. She added that the new Notice of Tax Increase and Budget Summary appeared in the Palm Beach Post on Nov. 2, 2007.

The public was asked if they would like to comment to which there was no public comment.

Town Clerk Hancsak read the title and summarized Resolution No. 2007-13 that was adopted on Sept. 17, 2007.

The title and summarized Ordinance #573 that was adopted on Sept. 17, 2007.

The public was asked if they would like to comment to which there was no public comment.

Town Clerk Hancsak advised that she would forward the new correspondence to Dept. of Revenue tomorrow.

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Atty Spillias requested to discuss the bicycle lawsuit with FDOT under item #6.

Comm. Hogan requested to pull items #1, #2 and #2a. She also requested to add a thank you comment at the end of the meeting regarding a death in her family.

Town Manager Schenck requested to add Change Order #4 to item #2 to coincide with the other two change order requests.

Town Clerk Hancsak requested to add permission for staff to use a vacation day to close on Dec. 24, 2007. She added that Dec. 24th would have been the first day to qualify as a candidate and she requested that the first date to qualify be changed to Dec. 21st thereby still allowing the same number of days permitted to qualify. The Commission had no objection.

Mayor Kaleel requested to discuss a possible overlay area in the county pocket and/or Briny Breezes as item #17.

CONSENT AGENDA

2b. Authorize the administrative offices to be closed Mon., Dec. 24, 2007 with the employees utilizing a vacation day and permitting the first day of candidate qualifying as Fri., Dec. 21, 2007

Comm. Pugh motioned to approve agenda and consent agenda as amended. Seconded by Comm. Bingham.

Motion Carried – yea 5.

1. Minutes of Town Commission Meeting of Oct. 1, 2007

Comm. Hogan requested to change the minutes of the town commission meeting of October 1st, 2007. On the first page her comment that “she requested the minutes be verbatim”, change the sentence to read: “She asked that the minutes be accurate and reflect what transpired or occurred.”

Comm. Allison requested to approve the minutes of Town Commission Meeting of October 1st, 2007 as amended. Seconded by Comm. Bingham.

Motion Carried – yea 5

2. Approve Change Orders #2, #3 and #4 Reducing the Contract by \$258,388.00 with BSA Corp. and the sound and audio/visual system would then be handled directly with Mingace Custom Sound for \$140,687.42.

Manager Schenck stated that BSA Corporation had presented Change Orders #2, #3 & #4 to the contract for the new Townhall and Police Complex. Change Order 2 is a reduction of \$54,824 due to changes in the parking lot design. Change Order 3 was a reduction of \$50,600 due to a change in the lighting package. These changes have been approved by the architect and the staff recommended approval.

Mark Marsh, Architect clarified that Nutting did the test borings for the retaining wall and construction area. The soil recommendation did not confirm any additional work. Change Order 4 was to reduce the contract by \$152,964 for the sound and av system. The system would be handled directly with Mingace Custom Sound for \$140,687.42. This would save \$12,276.58.

Comm. Bingham motioned to approve Change Order 2, 3 and 4 with BSA Corporation. Seconded by Comm. Allison.

Motion Carried – yea 5

2a. Approve Request by Mary Lou Schllinger, 1 Beachway Drive, for 3 Day Charitable Fund Raiser at her Home When the Code Provides a Maximum of 2 Consecutive Days

Comm. Hogan questioned why item 2a was on the consent agenda and not an action item citing it would be nice to announce it to the public. Comm. Allison stated that Mary Lou Schillienger could not be present, but the garage sale was a fund raiser of which her son is on the committee. Invitations and an advertisement were sent out to local residents. She stated that it was for a good cause and asked for residents to please participate if possible.

Comm. Allison motioned to approve the request by Mary Lou Schllinger, 1 Beachway Drive for a 3 Day Charitable Fund Raiser at her home. Seconded by Comm. Pugh.

Motion Carried – yea 5.

ANNOUNCEMENTS AND PROCLAMATIONS

3. The administrative offices will be closed on Monday, November 12, 2007 and Thursday, November 22nd and Friday, November 23, 2007 for the official holidays.
4. Proclamation Recognizing Hospice of Palm Beach for 30 Years of Service to Palm Beach County Residents

PUBLIC COMMENT

Arthur Ziev, 9 Osprey Drive, thanked the staff for the stop sign at Beachway and Old Ocean, as it was making a difference to the traffic problems there.

Louise Stolitzky, 47 Spanish River Drive, complained of problems on Inlet Cay Island. 1) Lack of maintenance of the drains and sewers is a recurring problem. 2) Conditions of their roads, both regrading and paving were needed. 3) 2 Empty lots on the island are being used for garbage and as a parking lot for cars and boats. 4) Considers spraying of no-seeums to be a waste of money. 5) Permit fee was too high for new pavers at their home. 6) Garbage/Trash billing for pickup service was high.

Brandon Caldwell, 48 Spanish River Drive, reported that due to the high waters, he was denied access to his home because of 3ft of water in his swale. He also felt that the speeding in the intra-coastal waterways was destroying their properties. He stated that the islands were built on muck and felt that they were very dangerous when high tides occurred. Mayor Kaleel reported that Ocean Ridge had signed a resolution asking the ACOE to limit the speed on the intra-coastal down to 24 mph. Comm. Bingham asked for a link to put on the website listing names and addresses for residents to contact and state their concerns to the safety of their homes.

Manager Schenck reported that Rockline had been promising for 2 weeks to find the cleanout for the 8" line. A few of the red valves needed to be replaced also. The funds are in the budget to do the paving this year. It had been put off because of the new construction in that area.

Ed Carlton, 42 Bimini Cove Drive commented that some roads needed to be regraded also. Manager Schenck stated that it could be done at the same time as the paving.

Joe Belmonte, 5572 N Ocean Blvd, reported that car-carrier trucks had been using the pull-off lane of the Ocean Ridge Yacht Club as a parking area to unload new or transported vehicles. He stated that their engines run for hours, and make it difficult for traffic to see around the semis when pulling out of the entrance. Chief Hillery responded that this was not to be used as an

unloading zone, and he would have his officers made aware of the problem. He reasoned that this problem was probably occurring because the trucks could no longer utilize the parking lot of Townhall. The trucks would need to make other arrangements for dropping off the vehicles.

John Wootton, 5907 N Ocean Blvd, distributed photos of Old Ocean and the intersections, and stated his concern that the code and law was not being enforced concerning the right of ways along Old Ocean. He asked that Old Ocean be safe for all. It had been 6 months since letters had been sent out to those who were not in compliance, and he asked that the town give 30 days, and then take the property back, and invoice the residents accordingly. He asked that this issue be resolved as soon as possible.

Gary Kosinski, 6000 Old Ocean Blvd, noted that Old Ocean had been an issue of discussion since 2003, and stated that the code talks about "safety hazard". He had previously spoken with the town manager, and he had relocated his hedges back 4 feet per the request of the previous management. Staff commented that the original landscaping was planted without approval. He was aware of Mr. Wootton & Mr. Greenhut's concerns, but felt that they were not in compliance. He stated that they had overgrown vegetation on east side of their property, and that they had not gotten a permit for their deck that he considered to be in the right of way. If the commission so directed he would cut it back again, but asked that the commission take the whole picture into consideration.

Steve Greenhut, 5907 N Ocean Blvd, was puzzled at Mr. Kosinski's statements. He stated that this was not a personal vendetta against any specific resident on Old Ocean. His concern was for the safety of all those who use Old Ocean. He stated their bushes on the east side were already back 5ft. (Note: There was a permit for deck in 2004.)

REPORTS

5. Town Manager

Manager Schenck mentioned that he had been speaking to Turtle Beach regarding permanently housing the generator for Tropical within their sewage treatment center. The control panel was placed within the sewage treatment area at Turtle Beach at a cost of \$40,000. Their suggested cost to permanently house the generator was \$40,000. He stated his concern of having to transport the generator in the conditions of a storm, or in the middle of the night when only the officers are available to relocate it. No action was necessary at this time, he was just advising the commission of his discussions with Turtle Beach. Comm. Hogan asked if length of time had been considered when the portable generator had been recommended. Manager Schenck informed her that Turtle Beach did not want to use that location for any length of time, and the only other option was to run it to Woolbright.

Comm. Pugh asked if the drainage of Bimini Cove Drive was worked on last year. He also commented that Chaz had done a wonderful job on Harbour Drive South. It was completed quicker than anticipated, and they should be commended for a job well done. Manager Schenck replied that the red valves had been cleaned on Bimini Cove Drive, but with their age, they needed replaced. He would have Rockline check it.

Manager Schenck reported that there had been a mandatory meeting with contractors regarding the replacement of the fuel tanks for the police department and the necessary performance bonds. Approximately 12 contractors had been present, and the bids were due on November 16th, 2007. He suggested waiving the performance bond requirement due to the cost of the project being less than \$200,000.

Comm. Pugh authorized to waive the performance bond. Seconded by Comm. Bingham.

Comm. Hogan asked Atty Spillias regarding for his opinion. Atty Spillias stated that is was a policy decision, and there were other ways to get a contractor to comply without using a performance bond, such as withholding payment.

Motion Carried – yea 5.

6. Town Attorney

Atty. Spillias reported that the bicycle law suit appeal was scheduled in Tallahassee for January 29th, 2008. He felt it would e beneficial that in addition to FDOT that the municipalities present their argument. He added the cost would be divided among the 5 municipalities. Mayor Kaleel stated that he felt it was important to play it out to the end, as it could set a precedent for other suits.

Comm. Allision motioned to authorize Lewis, Longman & Walker, PA. to attend in Tallahassee, the FDOT lawsuit regarding the bicyclists. Seconded by Comm. Bingham.

Motion Carried – yea 5.

Atty. Spillias also reported that he would meet with staff regarding ways of standardizing and reducing the minutes, and have it prepared for the next meeting.

7. Director of Public Safety

Chief Hillery had nothing to report. Comm. Hogan asked what the Town’s regulations were for solicitation in town. She commented that she had been suspicious of some door to door salesman that had come to her home. Chief Hillery asked her to report to the police any suspicious persons for their own safety. He asked residents to not put themselves in harms way, but to contact the police department immediately.

8. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

9. Presentation by the Sand Sifters By: Gary Solomon, Sand Sifters

Gary Solomon, Sand Sifters, thanked the commissioners for supporting their efforts in the past, and reported that they had been actively going to schools, having food drives, and toy drives for public awareness. They had a new logo for their campaign: Be Green, Start Clean, and Don’t Litter. He noted that both Boynton Beach and Delray Beach had been proactive. Comm. McCarty was putting together a public announcement for them. He also thanked the Garden Club of Ocean Ridge for their scheduled monthly cleanups of the beaches and the volunteers that assist them. He asked the commission to: 1) Support the Garden Club by supplying gloves, or water 2) Consider purchasing T-Shirts, 3) Install metal signs with their posters above it at the beaches. 4) The purchase of more butt bag systems.

Gary Kosinski announced a cleanup Saturday 8:30 – 10:30 am at the crossover by Thompson and Old Ocean Blvd.

10. Presentation Regarding an Emergency Preparedness Program Relating to the Placement of a Medication Pod in the Event of an Emergency By: Philip Levenstein and Terry Vinas

Philip Levenstein, Government Operations Consultant, Public Health Preparedness at the Palm Beach Co. Health Dept. requested that Ocean Ridge be a place of distribution for amoxilin, and

other medications in case of health emergencies or hurricanes. A licensed healthcare person needed to be chosen to supervise the dispensing of the medication in the event of an emergency. This person must be a licensed, physician, pharmacist, ARNP, RN, PA or other providers registered as dispensing practitioners such as dentists and podiatrists. Approximately 20 other resident-volunteers would also be needed to assist. Their mandate is to provide medication to all Palm Beach County within 48 hours. He asked the town to approve a temporary lease agreement to use the facilities. Each head of household would receive up to 15 doses for their families.

Mayor Kaleel thanked Philip Levenstein for the presentation, and felt it would benefit our town, and asked Terry Vinas, RN and Wendy Goltz, RN to chair the committee to organize the volunteers. He then asked for time to consider and review the documents presented to the commission.

11. Authorize Execution of Renewal Contract with Clark Mosquito Management, Inc. for “No Seeum” Control in the Amount of \$61,540 from Budgeted Funds (DEFERRED FROM OCT. 1, 2007 MEETING) By: Ken Schenck, Town Manager

Manager Schenck reported that he had reviewed the contract with Clarke Environment, and found a possible option to reduce the number of sprayings by 4, at a savings of \$6313. Comm. Pugh felt that the sprayings had greatly benefited his neighborhood, and thanked them for a great job.

Doug Wilson reported that in the last 3 years of spraying, they had gotten a lot of positive feedback from residents. People are always concerned when it comes to chemicals, but feels it is a quality of life issue. He would spread out the 39 treatments to last 52 weeks.

Comm. Pugh motioned to authorize the execution of renewal contract with Clark Mosquito Management, Inc. for “No Seeum” control in the amount of \$55,227 from budgeted funds. Seconded by Comm. Hogan.

Dr Goltz, 8 Ocean Harbour Circle, felt that spraying was the key for comfort and to minimize the spreading of germs. Luis Vinas, 50 Harbour Drive South, agreed and said that in a recent trip to the Honduras, found widespread disease. They do not DTP spray and diseases flourish because of it, like malaria and typhoid.

Motion Carried – yea 4, Comm. Allison nay.

12. Approval of Committee’s Recommendation for Design Firm for Island Drive Bridge Replacement By: Ken Schenck, Town Manager

Manager Schenck reported that it was advertised for consultants to design the replacement of the Island Drive Bridge. Qualifications were received from 8 firms on October 25th, 2007. A review committee narrowed it down to 3 firms: Bridge Design Associates, Inc., Alan Gerwig & Associates, Inc., EAC Consulting Inc. They are requesting the commission’s approval of the committee’s recommendation and authorize staff to negotiate with Bridge Design Associates, Inc. The contract would be submitted to the commission at the December meeting.

Comm. Pugh motioned the approval of the committee’s recommendation for Bridge Design Associates, Inc. to design the bridge for Island Drive. Seconded by Comm. Bingham.

Motion Carried – yea 5.

13. Approve the Design and Bidding for the Ocean Ave. Landscaping By: Ken Schenck, Town Manager

Manager Schenck stated that a landscape plan had been recommended for Ocean Avenue. The plan included the removal of 30 calaphyllum trees, the removal of 74 sabal palms and replanting them behind the sidewalk. The project also included the removal of the hawthorn bushes in the islands between the street and the sidewalk and replacing them with approximately 12,500 sq ft of sod. The original plan also included some small flowering plants in the grass strip, and these could be done at a later time. The estimated cost should not exceed \$65,000, and the funds could come from the beautification reserve account or fund balance. Once the bids were received, they would be brought to the commission for approval.

Comm. Bingham stated that Ocean Ridge had several master gardeners that could be used in lieu of an outside landscape firm, and felt that they would do it for free. Mayor Kaleel stated that they would approve the price once a cost had been developed.

14. Discuss Planning & Zoning Recommendations RE: Old Ocean Blvd., Home Businesses, and Pool Fences

Mauro Walker, Planning & Zoning, reported that they had met to discuss the following three items and their recommendations were as follows:

1) The study submitted by Simmons & White of Old Ocean Blvd was discussed, and moved to urge the town commission to strictly enforce the 6' clear zone through Code Enforcement provisions. They also moved to recommend creating specific requirements at Old Ocean Blvd. intersections that would provide for safe sight lines, as much as possible, in the ROW area beyond the 6' as determined by the Town Manager and Simmons & White recommendations. The 25x25 clear zone was discussed and the removing of any structure or item to allow vehicles to see around corners. Speed bumps were not recommended because of liability reasons.

Gary Kosinski, 6000 Old Ocean stated that in 2003, he had moved his hedges back per the staff's request. He asked that the Chief of Police and Town Manager decide what is "safe", and if he had to move it back another foot it would. He did want it to be safe for all. Eric Darling, 15 Harbour Dr. So, asked that it be done for all areas in town. A discussion was held explaining the difference of ROW, easements and setbacks. Old Ocean had more foot traffic than any other area or streets. John Wootton, 5907 N Ocean Blvd, stated that the west side of Old Ocean was the majority of the ROW and the east side of the road was private property, and hedges and gates were to be 5ft back on the east side. He had approval from DEP for their work.

Berndt Schulte, 5 Osprey Court, reported that approximately 3 years ago, the commission approved to enforce the setback rules, and they addressed the safety problems of the corners. Planning and Zoning at that time asked to adopt a 6ft setback along Old Ocean. Chief Hillery asked for direction and would enforce however the commission directed him.

Mayor Kaleel stated that they were giving the residents of Old Ocean the opportunity and time to change and comply. He did feel that all corners in Ocean Ridge should be reviewed and made uniform throughout the town. Atty Spillias recommended that the Town Manager work with Simmons & White concerning the corner issue.

2) Pool barriers for pools constructed prior to March 1994 were discussed they moved to recommend to the Town Commission that the town stress the danger of not having barriers around pools and that consideration should be taken to provide proper carriers for those pools constructed prior to March 1994 and not managed by current requirements. They also requested

that the town make a statement encouraging that pools built prior to 1994 install fences and/or pool barriers for the safety of themselves and others.

3) They discussed the possibility of amending the code to permit certain home businesses, with the conclusion not to recommend amending the code. At this time commercial businesses are not allowed in town, especially if it is a movement of product. It would be hard to restrict businesses that involved movement of information on the internet. They feel what is on the books is sufficient.

Comm. Hogan motioned to approve the Planning and Zoning recommendation. Comm. Bingham Seconded.

Motion Carried – yea 5.

15. Approval of Holiday Lighting for Ocean Ave./Town Hall/Police Area

Clerk Hancsak reported that the town usually contracts with Holiday lighting designs to put up the lights on the light poles on Ocean Ave and decorate around Town Hall. The budget had been reduced down to \$5000 due to the demolition of the town hall. Nick Kaleel had donated some decorations for town hall. Holiday Lighting Design proposal was for \$6,105. The additional \$1105 could be taken from the other general government charges account.

Comm. Bingham motioned to approve the holiday lighting for Ocean Ave and Town Hall and Police Area for \$6,105. Seconded by Comm. Allison

Motion Carried – yea 5.

TOWN COMMISSION COMMENTS

16. Discuss Holiday Function By: Mayor Kaleel

Mayor Kaleel stated that he would like to have a smaller version of the holiday function with a Santa Claus. Comm. Allison stated that the Garden Club still had a committee available to help with the Lighting of the Lights. Manager Schenck reported that he had heard from the Ocean Inlet Park and that it could be available, but special arrangements would be needed for the lighting. It was discussed that by this time last year, arrangements had already been made for catering, snow, Santa, etc... The commission asked for Manager Schenck to explore the possibility of having Light the Lights this year.

17. New Overlay District

Mayor Kaleel reported that he had met with the mayors of Gulfstream, Briny Breezes and also Mary McCarty with Palm Beach County to discuss a possible overlay district from Woolbright Blvd down to George Bush Blvd. The county pocket at this time has no zoning limits, and it was assessed what density would be possible. In Gulf Stream, The Seahorse was being torn down and replaced. Twelve units per acre were approved with the new development. Briny Breezes was open to the concept of an overlay district. Mary McCarty had a meeting with Treasure Coast Regional Planning regarding a method for discussion to engage some planners for an overlay district. Mayor Kaleel would keep us advised of any further development.

Mayor Kaleel suggested proposing a contest for a new town logo. The old town hall/steeple would not apply to the new building. He added this could be discussed at a future meeting.

Mayor Kaleel offered his condolences to Comm. Hogan in the death of her sister. Comm. Hogan thanked the town for the flower arrangement that was sent to the family. Her sister passed away

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with breast cancer, and was a retired teacher, and was well liked in the community. She again thanked everyone for their thoughts and support during this difficult time.

Meeting adjourned at 8:50pm.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Hogan

Commissioner Pugh